



Date: August 18, 2015

To: Members of the House Agriculture Committee

From: Lisa Wozniak, Executive Director for the Michigan League of Conservation Voters

Re: Testimony in opposition to House Bill 4604

Michigan League of Conservation Voters (LCV) is the non-partisan, political voice for Michigan's land, air, and water. **On behalf of our statewide membership, Michigan LCV expresses our opposition to House Bill 4604 as currently written.** This bill would amend Michigan's Soil Erosion and Sedimentation Control Program (SESC) to exempt certain practices from program oversight. Our primary concern is the removal of the requirement for a permit for the installation of tile drains.

Currently, Michigan's SESC program requires a soil erosion permit for any earth change activity which disturbs one or more acres of land or which is within 500 feet of a lake or stream. The SESC program does not ban earth change activities from taking place, but rather works to make certain that our lakes, rivers, and streams are protected from any negative impacts. By requiring that land owners implement and maintain common sense erosion control measures, the permit process ensures that potential contamination of nearby waterways via runoff and sedimentation is minimized.

Tile drains are a piping system installed beneath the ground surface that collect and convey water from fields to nearby drains or waterways. Installation of tile drains on one or more acres requires the movement of considerable amounts of soil; tile installers must dig trenches wider than the width of the pipe and, at a minimum, 2 feet deep in mineral soils and 2.5 feet deep in organic soils. However in practice, tile drains are often laid much deeper than this minimum level. Disturbance of that amount of soil can easily lead to erosion and sedimentation running off into waterways when control measures are not implemented and maintained. Given the impacts on soil erosion from larger scale tile drain installation projects this activity should continue to be covered by an SESC permit.

Tile drains, once installed, can help reduce surface run off by increasing flow of excess water through the subsurface. However, the untreated water running through the tile lines often contains high levels of nutrients like nitrate and, to a lesser extent, dissolved reactive phosphorus. Tile lines pipe nitrate and dissolved reactive phosphorus directly into nearby waterways impairing water quality and

fueling the growth of harmful algal blooms. Algal blooms have lead to ecological dead zones where oxygen levels are too depleted to support aquatic life. Additionally, microcystins, a class of toxins more potent than cyanide, can be produced in large quantities during algal blooms. Microsystins make our water too toxic to touch as we saw most clearly during the Toledo water crisis last summer that left over 400,000 people in Ohio and Michigan without access to safe drinking water.

Freshwater is essential to Michigan's economy and way of life. Given the contamination risk posed to waterways from both the installation and operation of tile drains, at a minimum an SESC permit should continue to be required for tile drain installation.

**Michigan LCV opposes HB 4604 as currently written and urges members of the House Agriculture Committee to vote against the bill if the tile drain exemption remains.** Please note that Michigan LCV intends to score a committee vote on HB 4604 on our *Environmental Scorecard*.

If you have any questions regarding the content of this testimony, please contact Charlotte Jameson, Policy Manager for the Michigan League of Conservation Voters at 734-222-9650 or [charlotte@michiganlcv.org](mailto:charlotte@michiganlcv.org).

Sincerely,



Lisa Wozniak  
Executive Director, Michigan LCV